IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35673 of 2008
TEJ NARAYAN BAVEJA SON OF LATE SANTRAJ BAVEJA
RESIDENT OF MOHALLA- GUDARI ROAD, SAMASTIPUR,
P.S. TOWN (SAMASTIPUR), DISTRICT- SAMASTIPUR
Versus
STATE OF BIHAR
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2 **01.10.2008** Heard learned counsels for the petitioner and the State.

Petitioner is an accused for the offence under sections 406, 409 & 420 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that on perusal of the allegations levelled in the complaint it would appear that the dispute is absolutely of a civil nature since the allegation is that the petitioner in the business transaction had taken the goods but did not pay the price for the same despite demand, and as such, till September, 2007 the total outstanding dues is rupees two lakhs and seventy nine thousand. It is further submitted that as a matter of there was no transaction with the complainant, as alleged, and therefore, the complainant did not take any step for recovery of the huge amount.

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Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioner, namely,

Tej Narayan Baveja be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Muzaffarpur, in connection with Complaint Case No. 2513 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**

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